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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,767

04/16/2004

Thomas M. Conway

6570-91244

1286

24628

7590

12/12/2006

WELSH & KATZ, LTD
120 S-RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,767

Applicant(s)

CONWAY ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-21 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the **Final Office Action** for application number 10/826,767 Bias-Assisted Sign with Floating Mount System, filed on 4/16/04. Claims 1-6, 8-14 and 16-21 are pending. This **Final Office Action** is in response to applicant's reply dated 10/18/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

Claims 1-4 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2787433 to Slavsky et al.

The patent to Slavsky et al. discloses a sign mounting system having a face having a plurality of vertically extending, spaced apart openings, the mounting system having a spine (10) adapted to mount to the vertical post, the spine have a face portion, upper and lower mount portions (11, 12) mounted to the spine, at least one of the upper and lower mount portions having a biasing element securing portion (pivot bolt) an upper arm (14) and a lower arm (15) mounted to respective upper and lower mount portions, the upper and lower arms (14, 15) each having a pivot portion defining a pivot axis (straight through pivot bolt) about the mount portion, the pivot axes being collinear, at least one of the upper and lower arms having a biasing element securing portion (the pivot bolt) first and second biasing elements (20, 21) operably connecting the upper or

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lower arm to its respective mount portion at the respective biasing element securing portions, wherein the arm is pivotal between first and second positions and is biased toward the first and second positions by the biasing element; and a floating insert (1, 6, 7, 8) for mounting the spine to the upright, the floating insert having a body portion (1, 7) for engaging the spine and the upright and for spacing the spine face from the upright face, the floating insert having a latch portion (8, 6) having a threaded stud disposed in the body portion, the latch portion engageable with the upright the latch portion including a threaded stub fastener (6, 8) extending therefrom wherein when the floating insert is engaged with the upright and the latch fastener is structured and dimensioned and positioned for engagement with the spine, the spine is secured to the upright with the face portion of the spine spaced from the face of the upright, wherein the floating insert includes a central support portion (7) and depending legs (8) extending from the central support portion and tabs on the legs urged inwardly toward one another (See ends of legs), the tabs which could also be defined as a finger and a first hook element spaced from one another and oppositely oriented, wherein the latch portion fastener is a threaded stub (6) and wherein the floating insert body portion includes an opening for receiving the threaded stub.

Response to Arguments

The applicant has argued that the latch and the latch fastener are not engageable to the spine. This is unpersuasive for two reasons. First, the language is merely functional in nature so the elements only have to meet a standard of being "capable" of engagement with the spine. These elements are capable of engaging the spine via the other elements. If the applicant changes the language to "the latch and the latch fastener are structured, dimensioned and positioned in direct engagement with the spine", in claims 1 and 9, the claims will be allowed.

Allowable Subject Matter

Claims 16-21 are allowed.

Claims 5, 6, 13, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

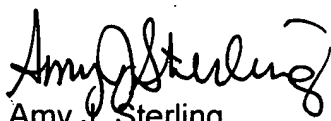
With regards to claims 5, 6, 13 and 14, the prior art does not teach wherein the base portion of the finger includes a second hook element that is commonly oriented with the first hook element, the second hook element being disposed between the finger and the first hook element.

With regards to claims 16-21, the prior art does not teach wherein the threaded stub is adapted for insertion into an opening in the spine face portion.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
Primary Examiner
12/2/06